

RECEIVED  
CENTRAL FAX CENTER

SEP 14 2007

Docket No. 740756-2659

Serial No. 10/678,139

Page 7

**REMARKS**

The Office Action of June 14, 2007 was received and carefully reviewed. Reconsideration and withdrawal of the currently pending rejections are requested for the reasons advanced in detail below.

Claims 7-37 were pending prior to the instant amendment. By this amendment, claims 7, 12, 17, and 22 are amended. Consequently, claims 7-37 remain pending in the instant application, of which claims 7, 12, 17, and 22 are independent.

Claims 7, 8, 10-13, 15-18, 20-23, 25, 26 and 29-33 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1, 2, 6, 7, 11, 12, 16 and 17 of U.S. Patent No. 6,489,189. Further, claims 7, 8, 11-13, 16-18, 21 and 29-31 are rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent No. 6,991,976. These rejections are traversed for the reasons advanced in detail below.

Upon reviewing the claims of the above patents, it should be noted that some claimed components of the instant application are not recited, nor suggested by the claims relied upon to support the above-noted obviousness-type double patenting rejections. Specifically, the present invention includes the step of artificially increasing the defect density of the metal element diffusion film. This feature is not recited or suggested by the claims of the above patents. This step increases the ability of the metal element diffusion film to remove the metal element contained in the underlying semiconductor layer. (See, for example, the Summary of the Invention and Embodiment 8 at col. 12, lines 33+).

Claims 7, 12, 17, and 22 are amended herein to more positively recite the step of artificially increasing a defect density of the metal element diffusion film during the forming step. Thus, Applicants contend that the present claims are distinguished from the above patents, and the above rejections should be withdrawn.

Claims 7, 8, 11-13, 16-18, 21-23, 26, 28-33, 35 and 37 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 2, 6, 7, 11-13, 17-19, 23, 24 and 28 of co-pending Application No. 11/322,653 (Publication No. US2006/0148218). It is requested that this rejection be held in abeyance until otherwise allowable subject matter is found in the instant application.

10721754.1

Docket No. 740756-2659

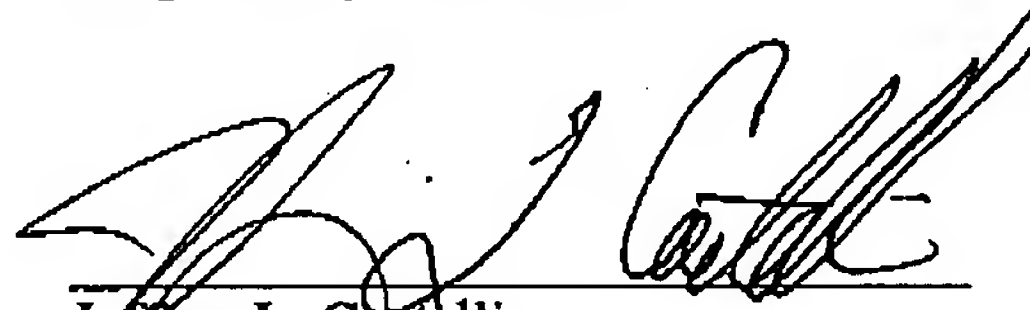
Serial No. 10/678,139

Page 8

Applicants acknowledge with appreciation the indication of allowable subject matter recited in claims 9, 14, 19, 24, 27, 34 and 36 that are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In view of the foregoing, it is respectfully requested that the rejections of record be reconsidered and withdrawn by the Examiner, that claims 7-37 be allowed and that the application be passed to issue. If a conference would expedite prosecution of the instant application, the Examiner is hereby invited to telephone the undersigned to arrange such a conference.

Respectfully submitted,



Jeffrey L. Costellia  
Registration No. 35,483

NIXON PEABODY LLP  
Suite 900, 401 9<sup>th</sup> Street, N.W.  
Washington, D.C. 20004-2128  
(202) 585-8000

10721754.1